

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF OPTOMETRISTS

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

EDWARD BEJA, O.D.
LICENSE NO. OA 00514100

TO PRACTICE OPTOMETRY
IN THE STATE OF NEW JERSEY

Administrative Action

FINAL ORDER
OF DISCIPLINE

This matter came before the New Jersey State Board of Optometrists upon information that the respondent has failed to complete fifty (50) credits of continuing education in approved optometry courses during the period of May 1, 2003 to April 30, 2005, as required for the 2005-2007 biennial license renewal pursuant to N.J.S.A. 45:12-9.3 and N.J.A.C. 13:38-4.5. Based upon information received and which the Board has reviewed, the following preliminary findings are made:

FINDINGS OF FACT

1. Respondent is an optometrist in the State of New Jersey and has been a licensee at all times relevant hereto.
2. On April 28, 2005 the respondent returned his completed application for renewal of license as an optometrist in the State of New Jersey. (Exhibit A, a copy of the renewal application is attached and made a part hereto.) and

3. The respondent affirmed on the renewal application for the 2005- 2007 renewal period that he will have completed the required continuing education by the period preceding the established renewal date of April 30, 2005.

4. On the 30th day of June, 2005, the Board of Optometrists initiated a random audit of renewal applications for the 2005-2007 period, asking licensees to submit proof with regard to the satisfaction of continuing education requirements for the biennial renewal period, i.e., fifty (50) credit approved hours which includes twenty-five (25) credits in general optometric education and twenty-five (25) credits in courses or programs classified as therapeutic pharmaceutical agents ("TPA").

5. On or about July 16, 2005 Respondent submitted his Continuing Education Tracking Form which supports that he had not attained all of the 50 requisite continuing education credits by April 30, 2005 as required for renewal of his license to practice optometry. The thirty five (35) credits referred to do not qualify as you were previously advised by the Board in letter dated April 11, 2001 that these credits were not acceptable. (Exhibit B is a copy of the Board's letter attached to and made a part hereof.).

CONCLUSIONS OF LAW

1. Respondent has not satisfied the requirements of N.J.S.A. 45:12-9.3 and N.J.A.C. 13:38-7.3 with regard to the completion of the appropriate number of approved continuing education credit hours and is therefore subject to sanctions pursuant to N.J.S.A. 45:1-21(h), failure to comply with the provisions of an act or regulation administered by the Board, which constitutes grounds for suspension or revocation of any certificate, registration or license, and grounds for sanction pursuant to N.J.S.A. 45:1-25.

2. Respondent attested to the completion of fifty (50) continuing education credits by April

30, 2005 on the biennial renewal application but has submitted information indicating that he failed to obtain twenty nine (29) of the requisite continuing education credits required for renewal of his license to practice optometry. Therefore, respondent is subject to sanctions pursuant to N.J.S.A. 45: 1-21(b) has engaged in the use or employment of dishonesty, deception or misrepresentation, which constitutes grounds for the suspension or revocation of any certificate, registration or license, and grounds for sanctions pursuant to N.J.S.A. 45:1-25.

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending respondent's license to practice Optometry in the State of New Jersey was entered on October 19, 2005 and a copy was served on respondent. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the State Findings of Facts or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor. On November 4, 2005 the respondent submitted correspondence explaining that he had submitted the necessary credits upon reactivation of his license in April, 2004. Upon review of the Respondent's letter and previous submissions the Board found that the credits submitted by respondent for the reactivation of the license were credited to him for the activation of his license to practice optometry. However, the documentation reviewed by the Board supports that the Respondent continues to be short twenty (20) continuing education credits which must all be obtained from classroom courses in order to satisfy the continuing education requirement for renewal of his license.

Respondent's submission was reviewed by the Board, and the Board determined that further proceedings were not necessary and that no material discrepancies had been raised. The credits for continuing education must be obtained biennially by each holder of an active license during the period proceeding the established license renewal date as required by N.J.S.A. 45:12-9.3. The Board finds that the satisfaction of continuing education credits is a statutory obligation imposed upon all actively licensed practitioners of optometry. Thus, the Board determined that respondent must complete his twenty (20) continuing education credits in classroom courses within sixty (60) days of the filing date of this Final Order.

THEREFORE, IT IS ON THIS 21st DAY OF December, 2005,

ORDERED:

1. Respondent shall pay a civil penalty of three thousand five hundred dollars (\$3,500.00) pursuant to N.J.S.A. 45:1-25. This amount consists of \$ 2500.00 for violation of N.J.S.A. 45:12-9.3, N.J.A.C. 13:38-7.3 and N.J.S.A. 45:1-21(h) as evidenced by your failure to satisfy the continuing education requirements and \$1000 for violation of N.J.A.C. 45:1-21(b) for falsely affirming on the license renewal application that the continuing education credits were completed in full in the specified time frame. Payment is to be remitted by means of a certified check or money order, payable to the New Jersey State Board of Optometrists. Such payment is to be sent to the Board of Optometrists, attention Susan Gartland, Executive Director at 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101, no later than ten (10) days from the date that the within Order is finalized.

2. Respondent must submit proof of having completed the requisite twenty (20) hours of continuing education credits consisting of classroom courses within sixty (60) days of the date of

the receipt of the Final Order. Thus, Respondent shall submit additional written proofs to support obtaining the twenty (20) continuing education credits that he is short within sixty days of the receipt of the Final Order. Additionally of the twenty nine continuing education credits outstanding, ten (10) credits shall be in TPA courses. These continuing education credits are **NOT** to be used to renew respondent's license for the 2007-2009 renewal period.

3. In the event that respondent fails to present the proofs as required by paragraph #2, by the date provided, the license of respondent shall be suspended, by operation of the Final Order, and shall remain suspended until respondent submits proof that he has fully complied with all continuing education requirements.

4. The within Order of Discipline shall go into effect and become final at 5:00 p.m., on the thirtieth (30th) business day following the entry hereof unless respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

a) Submitting a written request for modification or dismissal to Susan Gartland, Executive Director, State Board of Optometrists, 124 Halsey Street, Sixth Floor, Post Office Box 45012, Newark, New Jersey 07101.

b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

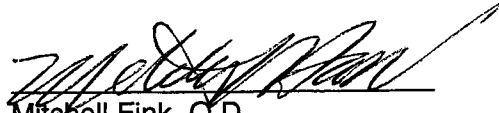
c) Submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

5. Any submissions as to the basis for the Board's action, or in mitigation, will be reviewed by the Board, and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission by the aforementioned date, or if the Board is not persuaded that submitted materials merit further consideration, or that a modification is advisable, a Final Order of Discipline will be entered.

6. In the event that respondent's submissions establish a need for further proceedings, including, but not limited to, an evidentiary hearing, respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, and upon review of the record, the Board shall not be limited to the findings of facts and conclusions of law and sanctions herein.

NEW JERSEY STATE BOARD
OF OPTOMETRISTS

By:



Mitchell Fink, O.D.
President